

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:	
SALE OF GOODS AND SERVICES	DOCKET NO. RMU-02-4

**ORDER COMMENCING RULE MAKING**

(Issued February 7, 2002)

Pursuant to the authority of Iowa Code §§ 17A.4, 68B.4, and 476.2 (2001), the Utilities Board proposes to adopt the amendment attached hereto and incorporated herein by reference in this order. This rule making amends 199 IAC 1.6(2). The reasons for proposing this amendment are set forth in the attached notice of intended action.

**IT IS THEREFORE ORDERED:**

1. A rule making proceeding identified as Docket No. RMU-02-4 is commenced for the purpose of receiving comments on the proposed rules in the notice attached hereto and incorporated herein by reference in this order.

2. The Executive Secretary is directed to submit for publication in the Iowa Administrative Bulletin a notice in the form attached to and incorporated by reference in this order.

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

Dated at Des Moines, Iowa, this 7<sup>th</sup> day of February, 2002.

## **UTILITIES DIVISION [199]**

### **Notice of Intended Action**

Pursuant to Iowa Code sections 17A.4, 68B.2A, and 476.2 (2001), the Utilities Board (Board) gives notice that on February 7, 2002, the Board issued an order in Docket No. RMU-02-4, In re: Sale of Goods and Services "Order Commencing Rule Making."

The Board is proposing to amend 199 IAC 1.6(2) to make the provisions consistent with the provisions of the Department of Personnel rules at 581 IAC 18.2(1), with regard to the definition of selling goods and services by state employees.

Pursuant to Iowa Code sections 17A.4(1)"a" and "b," any interested person may file a written statement of position pertaining to the proposed amendments. The statement must be filed on or before March 26, 2002, by filing an original and ten copies in a form substantially complying with 199 IAC 2.2(2). All written statements should clearly state the author's name and address and should make specific reference to this docket. All communications should be directed to the Executive Secretary, Utilities Board, 350 Maple Street, Des Moines, Iowa 50319-0069.

No oral presentation is scheduled at this time. Pursuant to Iowa Code section 17A.4(1)"b," an oral presentation may be requested of the Board on its own motion

after reviewing the statements may determine that an oral presentation should be scheduled.

This amendment is intended to implement Iowa Code sections 17A.4, 68B.4, 476.2 (2001).

The following amendment is proposed.

Amend subrule **1.6(2)**, fourth unnumbered paragraph, as follows:

1.6(2) *Definitions.*

*"Selling goods and services"* means the receipt of compensation by an employee for providing goods and services, except the selling of goods or services shall not apply to outside employment activities that constitute an employer-employee relationship. ~~may include "employment by" or "employment on behalf of."~~

February 7, 2002

/s/ Diane Munns  
Diane Munns  
Chairman